TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION



Form DS1201 SPR

Project Name:

CHASE NEW BUILD #13879 - ANDRESEN

AND 63RD

Case Number:

PSR2010-00001; SEP2010-00007

Location:

Northwest corner of NE Andresen Road and NE 63rd Street

Request:

The applicant is proposing to construct a 4,195 square foot bank with three (3) drive-through lanes and a drive-through ATM on an approximate 1.10 acre parcel located in a C-3

(Community Commercial) zoning district.

Applicant/Contact:

Callison Design, LLC

Grant J. Seaman

1420 5th Avenue, #2400 Seattle, WA 98101-2343

(206) 623-4646 [phone]; (206) 623-4625

grant.seaman@callison.com

Property Owner:

Andresen 63rd, LLC 915 W. 11th Street Vancouver, WA 98660

DECISION

Approve Subject to Conditions

DS Manager's Initials:

Date Issued: March 25, 2010

County Review Staff:

	<u>Name</u>	Phone Ext.	<u>E-mail Address</u>
Planner:	Vicki Kirsher	4178	vicki.kirsher@clark.wa.gov
Engineer: (Trans. & Stormwater)	David Bottamini	4881	david.bottamini@clark.wa.gov
Engineer: (Trans. Concurrency)	David Jardin	4354	david. jardin@clark.wa.gov
Development			
Services Manager:	Michael Butts	4237	michael.butts@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater)	Tom Grange P.E.	4449	tom.grange@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency)	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Building Safety:	David Maret	4091	david.maret@clark.wa.gov
Wetland Biologist:	George Fornes	5601	george.fornes@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: CC (Community Commercial)

Parcel Number: Tax account 156661 located in the Southeast quarter

of Section 7; Township 2 North; Range 2 East of the

Willamette Meridian

Applicable Laws:

Clark County Unified Development Code Sections 40.200 (General Provisions); 40.230.010 (Commercial Districts); 40.320.010 (Landscaping and Screening); 40.340.010 (Parking and Loading); 40.350.010 (Pedestrian/Bicycle Circulation Standards); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.360 (Solid Waste and Recycling); 40.370.010 (Sewer Regulations); 40.370.020 (Water Supply); 40.385 (Stormwater and Erosion Control); 40.450 (Wetland Protection); 40.500 (Procedures); 40.510.020 (Type II Process); 40.520.010 (Legal Lot Determination); 40.520.040 (Site Plan Review); 40.570 (SEPA); 40.610 and 40.620 (Impact Fees); and Title 15 (Fire Code).

Neighborhood Association/Contact:

Andresen/St. Johns Neighborhood Association Neil Chambers 6204 NE 67th Street Vancouver, WA 98661 (360) 699-5719

E-mail: N.Chambers@comcast.net

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on January 21, 2010. The pre-application was determined not contingently vested. The fully complete application was submitted on January 28, 2010 and determined to be fully complete on January 28, 2010. Given these facts the application is vested on January 28, 2010. There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on January 28, 2010. Therefore, the County Code requirement for issuing a decision within 78 days lapses on April 16, 2010. The State requirement for issuing a decision within 120 calendar days lapses on May 28, 2010.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Andresen/St. Johns Neighborhood Association, SEP A agencies, and owners of property within 300 feet of the site on February 12, 2010.

Public Comments:

The Washington Department of Ecology (DOE) submitted a letter, dated March 1, 2010 [Exhibit 15]. It notes:

a. There are no known contaminated sites within a half-mile radius of the proposed development site. The correspondence advises that "if contamination is observed during the development/construction, sampling of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed, Ecology must be notified."

Staff Response

The applicant has been provided with a copy of the DOE letter, and has indicated a willingness to comply with this requirement [Exhibit 17]. Even so, an advisory condition will be imposed requiring the developers to be alert for contamination during construction, and to notify the Department of Ecology if contamination is discovered (See Condition B-4).

b. Any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. "Erosion control measures must be in place prior to any clearing, grading or construction" occurs on the site. The letter also identifies several preventative measures to be taken to ensure such discharge does not occur."

Staff Response

An erosion and dust control plan is required by County Code (See Conditions A-8, B-2, and B-3). Construction activities will be monitored by inspection staff to ensure compliance with the approved plan.

Project Overview

The subject 1.10 acre parcel is located on the northwest corner of NE Andresen Road and NE 63rd Street. The property is currently vacant.

The proposed site plan calls for construction of a single story 4,195 square foot commercial bank building with four (4) drive-through lanes. The drive-through lanes will consist of one teller window, two pneumatic tube lanes, and one ATM.

Primary access to the bank will be obtained from NE 63rd Street via a shared access with a Walgreens Pharmacy that has previously received both preliminary and final site plan approval (PSR2008-0007 and FSR2008-00036). In addition, the applicant has entered into a 'Cross Access Agreement' with Walgreens so patrons of the bank can also enter and exit the site from NE 66th Avenue to the west.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Community Commercial	C-3	Vacant
North	Urban Low Density Residential	R1-6	Single family residence
East	Public Facilities	C-2	Fire Station
South	Community Commercial	C-3	Commercial retail development
West	Community Commercial	C-3	Vacant parcel with approved site plan for Walgreen's Pharmacy

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- 1. Earth
- 2. Air
- 3. Water
- 4. Plants
- 5. Animals
- 6. Energy and Natural Resources
- 7. Environmental Health
- 8. Land and Shoreline Use

- 9. Housing
- 10. Aesthetics
- 11. Light and Glare
- 12. Recreation
- 13. Historic and Cultural Preservation
- 14. Transportation
- 15. Public Services
- 16. Utilities

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Zoning

The proposed development is located within a C-3 (Community Commercial) zone designation. These commercial areas provide for regular shopping and service needs for several adjacent neighborhoods. Per Table 40.230.010-1(9)(i), "branch banks" are identified as a permitted use within this zoning district. Therefore, the use being proposed for this 1.10 acre parcel is an allowable activity.

Finding 2 - Parking

Table 40.340.010-4 is used to determine the minimum number of parking spaces required for this development. For commercial banks, the formula is 1 space per 400 square feet of floor area. Based on a 4,195 square foot building, 11 parking spaces are required for the bank. The revised preliminary plan [Exhibit 19A] shows 36 parking stalls; 14 of which are designated for use by compact vehicles. For the amount of parking being provided for this development, the code allows 30 such compact spaces.

Accessible parking spaces shall be provided in compliance with the Americans with Disability Act (ADA). Based on the number of parking stalls provided for the development, two (2) handicap spaces are required with one space being van accessible. The revised site plan [Exhibit 19A] shows the prerequisite number of accessible spaces.

Per CCC 40.340.010(A)(10), parking spaces on the perimeter of a parking lot or abutting landscaped areas or sidewalks shall include a wheel stop or curb at least 4 inches high located 3 feet back from the front of the parking space. The revised plan shows the prescribed wheel stops. In addition, the revised details sheet [Exhibit 19C] indicates the stops will be 6 inches high.

Finding 3 – Lighting

Light fixtures shall be consistent with RCW 47.36.180 on public roadways and shall also not cast significant light or glare off-site to adjacent properties. The applicant has submitted a photometric plan [Exhibit 12G] which demonstrates the development complies with this requirement. Even so, a condition will be imposed to ensure ongoing compliance with this code provision (See Condition H-1).

Finding 4 – Landscaping

CCC 40.230.010(D)(3) requires that a minimum of fifteen percent (15%) of the site shall be landscaped. The revised landscape plan [Exhibit 21] indicates that approximately thirty-four percent (34%) of the site is devoted to landscaping.

Parking areas that contain at least seven (7) spaces shall contain landscape islands equally distributed at a ratio of one (1) island for every seven (7) parking spaces. A landscape island shall contain at least twenty-five (25) square feet, shall be at least four (4) feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb. At least one (1) tree shall be planted in each landscape island. Trees in landscape islands shall reach a mature height of thirty (30) feet or more, cast moderate to dense shade in the summer and live at least sixty (60) years, require little maintenance and be suited for use in the proposed location.

Landscaping is required along the side of all buildings where the primary pedestrian access is provided. Minimum requirements shall be trees, of a suitable species according to Section 40.320.010, provided every 30 feet on center planted in a landscaped strip or tree wells along the length of the building.

A review of the revised landscape plan reveals that the proposed development meets the standards identified above.

Finding 5 - Landscape Buffers

In accordance with Table 40.320.010-1, the following perimeter landscaping scheme is required for the development as proposed:

North: L4 landscaped 10-foot buffer or an L5 landscaped 15-foot

buffer;

West: L1 landscaped 5-foot buffer; East: L2 landscaped 10-foot buffer; South: L2 landscaped 10-foot buffer;

The L1 standard consists principally of groundcover plants; trees and high and low shrubs also are required. There are two (2) ways to provide trees and shrubs to comply with an L1 standard. Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees. Where the area to be landscaped is less than ten (10) feet deep, one (1) tree shall be provided per thirty (30) linear feet of landscaped area.

The L2 standard requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. A three (3) foot high masonry wall or fence at an F2 standard or a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

The L4 standard requires a six (6) foot high wall that complies with the F-2 standard. When abutting another property, the wall shall abut the property line. When abutting a street or road right-of-way, the wall shall be on the interior side of the landscaped area. One (1) tree is required per thirty (30) lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, four (4) high shrubs are required per thirty (30) lineal feet of wall. Groundcover plants must fully cover the remainder of the landscaped area.

The L5 standard requires a berm four (4) to six (6) feet high. If the berm is less than six (6) feet high, low shrubs that comply with the L2 standard must be planted on top of the berm so the overall screen height is six (6) feet. In addition, one (1) tree is required per thirty (30) lineal feet of berm or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area.

As previously noted, the applicant is proposing to utilize a joint access with Walgreens Pharmacy located to the west. The access easement runs along the entire length of the western boundary of the subject property. As a result, no landscape buffer is required along this property line.

The revised landscape plan [Exhibit 21] identifies the correct perimeter buffer widths but does not delineate the actual buffer on the plans. Even so, plantings along the southern boundary meet the prescribed standard. Many of the required plantings along the north and east property lines, however, are situated outside the required buffers. Due to layout of the site, the applicant is providing landscaped areas along these

boundaries that are equal to or wider than what is prescribed by code. In addition to showing vegetation necessary to meet buffer standards, the proposed planting scheme for these areas calls for additional shrubs, trees, and groundcover. As a result, the revised landscape plan provides greater screening and/or buffering from adjacent properties than what is required by the ordinance. Based on provisions of CCC 40.320.010(C)(7), the proposed landscaping along these site boundaries meets buffer requirements of the County's development code.

The applicant will be required to submit a final landscape plan consistent with the approved preliminary plan (See Condition A-2). Landscaping and the irrigation shall be installed according to the approved landscape plan prior to being issued a "Certificate of Occupancy" for the proposed bank building (See Condition F-1).

Finding 6 - Pedestrian Circulation

In accordance with CCC 40.230.010(D)(5)(a), a pedestrian circulation route connecting streets to the primary building entry shall be a minimum 8 feet with a minimum 3-foot wide landscape strip along one side. The minimum 3-foot landscaped area shall contain suitable tree species planted every 24 feet to provide a continuous tree canopy. Where the pedestrian circulation route crosses vehicular accessways, the landscape area is not required. Furthermore, CCC 40.340.020(A)(3)(e) stipulates that where pedestrian routes cross vehicle access, maneuvering or parking areas, the crossing must be clearly identified by using striping, elevation changes, speed bumps, a different paving material, and/or other method that effectively alerts drivers and pedestrians of the location and the nature of the crossing. Based on the above-referenced code section, striping is discouraged as the only method of identification of pedestrian crossing due to maintenance problems and effectiveness of alerting drivers.

The revised site plan [Exhibit 19A] shows the required pedestrian pathways to adjacent streets.

Finding 7 - Solid Waste and Recycling Standards

Per CCC 40.360.020(C)(2)(d), a minimum storage area of 10 feet, plus 4 square feet per 1,000 square feet of gross floor area shall be provided. Storage areas include storage of solid waste and recyclables from the site. Using the above formula, 27 square feet of solid waste and recyclable storage area is required. The preliminary plan [Exhibit 19A] shows a trash enclosure containing approximately 90 square feet.

Provisions of CCC 40.360.030(B)(3) require exterior storage areas to be enclosed by a screen to at least an F2 standard. A fence or wall that complies with the F2 standard shall be 6 feet high and 100% sight obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. This shall not include chain link fences with slats or similar construction. The revised details plan [Exhibit 19C] demonstrates compliance with this standard.

<u>Finding 8 – Drive-Through Requirements</u>

All uses providing drive-through services shall provide on-site queuing spaces for inbound vehicles as shown in Table 40.340.020-1. For drive-in banks, 5 spaces per service terminal are required. Per CCC 40.340.010(B)(4)(b), a vehicle queuing space shall be 18 feet long and 8 feet wide and shall not be used for backing and maneuvering space for parking or other purposes. The revised site plan [Exhibit 19A] shows 5 such queuing spaces for each terminal; thereby demonstrating compliance with this standard.

Finding 9 - Signs

Signs are subject to provisions of Chapter 40.310. A separate sign permit application will be required prior to installation of any commercial signs on site (See Condition G-1)

Conclusion (Land Use): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

ARCHAEOLOGY:

Finding 1 – Historic and Cultural Preservation

The entire development site is located within a moderate to high (60 - 100 percent) probability area for discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. This project is considered a high impact development. As a result, an archaeological predetermination was required.

On May 11, 2006 Archaeological Services of Clark County (ASCC) performed a pedestrian survey of both this parcel and the adjacent Walgreens Pharmacy site utilizing parallel adjacent transects spaced at 10 meter intervals. In addition, ASCC excavated five shovel test probe(s). No archaeological material was discovered during the surface or subsurface investigations.

As a result, ASCC recommended no further archaeological work is warranted at this time [ARC2008-00011]. However, a condition will be imposed that in the event any cultural resources are discovered in the course of undertaking development activity for this project, the Office of Archaeology and Historic Preservation and Clark County Community Development shall be notified (See Condition A-1-a).

Conclusion (Archaeology): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

WETLAND:

Finding 1 – Applicability

During a previous review for the Walgreens Pharmacy development, staff determined that a small wetland was present (WET2007-00074). This wetland is exempt from

regulation by Clark County due to its small size, low quality, and isolation. As a result, no further wetland review of this project is necessary.

Conclusion (Wetlands): Staff finds that the proposed preliminary plan is exempt from wetland requirements of the Clark County Code.

FLOOD HAZARD:

Finding 1 – Applicability

According to the County's GIS mapping system, there is floodway fringe located adjacent to the development site. As a result, the applicant was required to apply for a floodplain inquiry (FLP2009-00013) under the site plan approval for Walgreens Pharmacy. Based on Flood Insurance Rate Map (FIRM) Panel #530024-0311B it was determined that a portion of the subject property and the adjacent Walgreens site are located within the identified FEMA 100-year flood hazard area for Cold Creek. As a result, the applicant applied for and received approval of a floodplain permit (FLP2009-00020) for both properties. The proposed development shall meet any conditions imposed by this permit (See Condition A-3).

TRANSPORTATION:

Finding 1 – Access Management and Circulation

The applicant has provided an analysis of vehicles entering and exiting the proposed driveway approach to NE 63rd Street. The approved site plan for Walgreens Pharmacy (PSR2008-00007) to the west was required to dedicate an easement that allows the applicant access to NE 66th Avenue and a full signalized intersection with NE 63rd Street.

Additional required improvements such as right-of-way dedication and sight distance analysis were reviewed and approved through the Walgreens Pharmacy site plan and associated applications including PST2009-00018, EVR2009-00046, and EVR2008-00012. A final transportation plan consistent with these approvals shall be submitted (See Condition A-4).

Conclusion (Transportation): Staff concludes that the proposed preliminary plan meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Finding 1 – Trip Generation

County concurrency staff has reviewed the proposed Chase Bank development. This is a proposed commercial development totaling 4,195 square feet.

The applicant has submitted a traffic study as required under the provisions of Clark County Code section 40.350.020(D)(1). This study has estimated the a.m. peak-hour trip generation at 14 new trips and a p.m. peak-hour trip generation at 21 new trips. The trip

generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers Eighth Addition*.

The applicant shall be aware that there is a Latecomers Agreement (99-01) that has encumbered the proposed development parcel. Therefore, the applicant will need to pay the appropriate latecomers charges prior to the issuance of a building permit (See Transportation Concurrency Condition E-1).

Finding 2 – Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The applicant has submitted information that indicates that there are two access locations to access this site. The applicant has proposed a shared right-in/right-out access location directly onto NE 63rd Street. This access location would be located on the west property line of the proposed development. This access location was previously approved as a part of the Walgreen's site plan review [PSR2008-00007]. Therefore, the applicant shall ensure that the Concurrency conditions of PSR2008-00007 are in place and operational prior to occupancy of the development (See Transportation Concurrency Conditions E-2 through E-4, F-2 and F-3).

One access will be constructed as the north leg of the NE 63rd Street/Andresen Marketplace Driveway/NE 66th Avenue. This intersection is currently signalized. The applicant is also proposing to connect this north leg to the signal system. The traffic study shows that the signalized intersection at the NE 63rd Street/ NE 66th Avenue will maintain an estimated LOS B into the 2009 build-out horizon. The study also shows that this LOS was evaluated in the p.m. peak hour traffic conditions. County staff concurs with the applicants findings.

Finding 3 - Concurrency Compliance

The proposed development is required to meet standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, have been approved, or are under construction, and in the vicinity of the proposed development. The traffic these developments generate is referred to as "in-process traffic" and will ultimately contribute to

the same roadway facilities as the proposed development. This "in-process traffic" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The "in-process traffic" information that can be obtained from the County's transportation model is from developments that generate 10 vehicle trips or more in the PM peak hour travel time. Developments in an urban area that have fewer than 10 vehicle trips in the PM peak hour travel time do not explicitly get shown in the County's model, but, are accounted for in a "background growth rate" (1% per year). This "background growth rate" is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area and also from out of area traffic.

Signalized Intersections

The County's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year. Therefore, County staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

Unsignalized Intersections

County staff has evaluated the operating levels and standard delays represented in the County's model. The County's model yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections.

The County has determined that this development will comply with adopted Concurrency Standards for unsignalized intersections.

Concurrency Corridors

Evaluation of concurrency corridor operating levels and travel speeds represented in the County's model yielded operating levels and travel speeds with an acceptable level of service.

The County has determined that this development will comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.

SAFETY:

Where applicable, a traffic study shall address the following safety issues:

- · traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6). The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding 4 - Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The traffic study indicates that a right turn lane would not be warranted during the PM peak hour for the westbound approach. County staff has reviewed the study's recommendation and concurs with the applicant's findings. Therefore, further analysis is not required.

Finding 5 - Historical Accident Situation

The applicant's traffic study analyzed the accident history as obtained from Clark County. The accident history was obtained for the study intersections and also for the section of NE 63rd Street in the vicinity of the site. The intersection accident rates for the study intersections do not exceed thresholds that would warrant additional analysis. Staff concurs with the applicant's findings. Therefore, no further analysis is required.

Finding 6 – City of Vancouver Concurrency

City of Vancouver - Concurrency Corridors

The City of Vancouver has submitted findings and conditions for the proposed Chase Bank received by the County on February 10, 2010 [Exhibit 18].

The City of Vancouver has incurred costs to analyze the proposed development's impacts. Therefore, the applicant shall reimburse the City for costs incurred in running their concurrency model in an amount not to exceed \$911.61. This reimbursement should be paid to the City with evidence of payment presented to Clark County prior to final construction plan approval (See Transportation Concurrency Condition A-5-a).

The City incurs costs for performing a review of, and preparing a staff report for, the project's submitted traffic report and impacts to the City's transportation system. The applicant shall be required to reimburse the City for the normal traffic review fee for this activity. The applicant shall reimburse the City for the normal traffic review fee of \$288.36. This reimbursement should be paid to the City with evidence of payment presented to Clark County prior to final construction plan approval (See Transportation Concurrency Condition A-5-b).

Conclusion (Transportation Concurrency): Based upon the development site characteristics, the submitted traffic study dated January 27, 2010 prepared by Lancaster Engineering, requirements of the County's transportation concurrency ordinance, and the above findings, staff concludes that the proposed preliminary transportation plan can meet the requirements of the county transportation concurrency ordinance CCC 40.350.020.

STORMWATER:

Finding 1 – Stormwater Applicability

The provisions of CCC Chapter 40.385 apply to all new development, redevelopment, and drainage projects. Said projects shall be consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.385 and the County's stormwater manual. The proposed project adds more than 5,000 square feet or more of new impervious surface. Therefore, the applicant shall comply with Minimum Requirements 1 through 10 per CCC 40.385.020(A)(4).

Finding 2 - Stormwater Proposal

The applicant is proposing to manage stormwater runoff through the use of detention systems and a rain garden that staff believes are feasible proposals. The applicant has further indicated if the rain garden does not turn out to be a feasible option, a filtration system has been proposed as an alternative solution that staff also believes is a feasible option.

The stormwater facilities will be private owned and maintained. The applicant will be required to record a Stormwater Maintenance Covenant that specifies who will be responsible for maintaining said facilities (See Condition A-10-a).

Finding 3 – Stormwater Issues:

Final design for the proposed development shall comply with stormwater code requirements of CCC 40.385 and the Clark County Stormwater Manual. In the event a rain garden is utilized, the design shall comply with criteria identified in Chapter 4 of the Clark County Stormwater Manual for rain gardens (See Condition A-7-a).

Per CCC 40.385.020(C)(1)(a), no new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (See Condition A-7-b).

Conclusion (Stormwater): Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 - Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, extension 4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Condition E-5).

Finding 3 - Fire Flow

Fire flow in the amount of 1,750 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site, estimated to be at least 2,000 gpm.

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of new fire hydrants on the Walgreen Pharmacy site will be adequate. These hydrants must be installed and operational prior to any Chase Bank above ground combustible construction (See Condition E-6).

Finding 5 - Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access.

Conclusion (Fire Protection): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets fire protection requirements of the Clark County Code.

BUILDING SAFETY:

Finding 1 – Americans With Disability Act (ADA)

The proposed development is subject to ADA requirements. A review of the preliminary plan [Exhibit 19A] has determined the project complies with these standards.

UTILITIES:

Finding 1 – Water and Sewer

The proposed development is required to connect to public water and sanitary sewer. The site will be served by the City of Vancouver for both water and sewer. The applicant has submitted a current utility review from the City confirming these services are available to the site, and identifying requirements for connection. Prior to

occupancy, the applicant will be required to document that service connections to the buildings have been approved by the City (See Condition F-4).

Finding 2 – Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (See Condition A-9).

Conclusion (Utilities): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 1 – Fee Calculations

The proposed development will have an impact on traffic in the area, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620. The site is located within the South Orchards TIF Sub-area. There is a Special Rate Calculation performed for drive-through banks. TIF for this development will be \$68,059.13 (\$10,208.87 – local and \$57,850.26 – regional).

TIF is payable prior to issuance of building permits. If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate (See Condition E-7).

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

 DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);

- MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval); or,
- DNS = Determination of Non-Significance (The impacts can be addressed by applying the County Code).

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on February 12, 2010 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

- 1. The case number designated by the County and the name of the applicant;
- 2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
- 3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:

- A motion if filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

Staff Contact Person:

Vicki Kirsher, (360) 397-2375, ext. 4178

Responsible Official: Michael V. Butts, Development Services Manager

DECISION

Based upon the proposed plan [Exhibit 19A], and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A Final Construction/Site Plan Review Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Final Site Plan The applicant shall submit and obtain County approval of a final site plan in conformance to CCC 40.320.040 and the following conditions of approval:
 - **a.** <u>Archaeology</u>: A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (See Archaeological Finding 1)

- A-2 Final Landscape Plan: The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan. The landscape plan shall include landscaping within the public Rights-of-Ways and on-site. (See Land Use Conditions 4 and 5)
- A-3 Flood Hazard: The proposed development must meet all conditions imposed by FLP2009-00020. (See Flood Hazard Finding 1)
- A-4 Final Transportation Plan/On-Site: The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350

and consistent with the approvals granted for Walgreens Pharmacy (PSR2008-00007, PST2009-00018, EVR2009-00046, and EVR2008-00012). (See Transportation Finding 1)

A-5 Transportation (Concurrency):

- a. The applicant shall reimburse the City of Vancouver for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$911.61. Evidence of payment shall be submitted to the County. (See Transportation Concurrency Finding 6)
- b. The applicant shall reimburse the City of Vancouver for the traffic study review fee of \$288.36. The applicant shall then provide evidence of payment to the County. (See Transportation Concurrency Finding 6)

A-6 Transportation:

- a. <u>Signing and Striping Plan</u>: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. <u>Traffic Control Plan</u>: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.
- A-7 Final Stormwater Plan The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:
 - a. Final design for the proposed development shall comply with stormwater code requirements of CCC 40.385 and the Clark County Stormwater Manual. In the event a rain garden is utilized, the design shall comply with criteria identified in Chapter 4 of the Clark County Stormwater Manual for rain gardens. (See Stormwater Finding 3)
 - b. In accordance with CCC 40.385.020(C)(1)(a), no new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (See Stormwater Finding 3)
- **A-8** Erosion Control Plan: The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.385.

- A-9 Health Department Review: Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (See Utilities Finding 2)
- A-10 Other Documents Required The following documents shall be submitted with the Final Construction/Site Plan:
 - Stormwater Maintenance Covenant: A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for longterm maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060. (See Stormwater Finding 2)
- **A-11 Excavation and Grading:** Excavation/grading shall be performed in compliance with CCC Chapter 14.07.

B Prior to Construction of Development Review & Approval Authority: Development Inspection

Prior to construction, the following conditions shall be met:

- **B-1 Pre-Construction Conference:** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control: Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

- **B-3** Erosion Control: Erosion control facilities shall <u>not</u> be removed without County approval.
- **B-4** Contamination: If during the course of construction activities on the site contamination is discovered, it shall be reported to the Washington Department of Ecology. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300 for more information. (See SEPA Comments Received from Department of Ecology)

C Provisional Acceptance of Development Review & Approval Authority: Development Inspection

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 None

D | Final Plat Review & Recording

Review & Approval Authority: Development Engineering

Prior to final plat approval and recording, the following conditions shall be met:

D-1 Not Applicable

E | Building Permits

Review & Approval Authority: Customer Service

Prior to issuance of a building permit, the following conditions shall be met:

- **E-1 Transportation (Concurrency):** The applicant shall pay the appropriate latecomers charges prior to the issuance of a building permit. (See Transportation Concurrency Finding 1)
- E-2 Transportation (Concurrency): The applicant shall ensure the submittal of a signing and striping plan for review and approval. This plan shall show signing and striping and all related features for required frontage improvements. The applicant shall obtain a Work Order with Clark County to reimburse the County for the signing and striping changes needed along the frontage of this development. (See Transportation Concurrency Finding 2)
- E-3 Transportation (Concurrency): The applicant shall ensure the submittal of construction drawings for the construction of a right in/right out shared access location on NE 63rd Street, at the western property line, for review and approval. These drawings shall include all related features for the restricted access construction. These related features include, but are not limited to civil improvements such as curbs, gutter, sidewalks, and ADA ramps. (See Transportation Concurrency Finding 2)

- E-4 Transportation (Concurrency): The applicant shall ensure the submittal of construction drawings showing the design upgrades and/or modifications of the entire traffic signal system at the intersection of NE 63rd Street/NE 66th Avenue. This traffic signal system design shall include masts, arms and signal heads constructed at ultimate grade and location, a traffic signal controller and vehicle detection, as necessary. The design of this system shall also show all related features including striping and civil improvements such as curbs, gutter, sidewalks, and ADA ramps. (See Transportation Concurrency Finding 2)
- **E-5** Fire Protection: Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 2).
- **E-6** Fire Protection: Fire Hydrants on the Walgreen Pharmacy site shall be installed and operational prior to issuance of building permits for the proposed bank building. (See Fire Protection Finding 4)
- E-7 Impact Fees: Prior to issuance of a building permit, the applicant shall pay Traffic Impact fees to the Clark County Building Department in the amount of \$68.059.13 (\$10,208.87 local and \$57,850.26 regional).

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. (See Impact Fee Finding 1)

F Occupancy Permits

Review & Approval Authority: Building

Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Landscaping: Prior to the issuance of a "Certificate of Occupancy" for the proposed bank, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. (See Land Use Finding 5)
- **F-2** Transportation (Concurrency): The applicant shall ensure the construction of a right in/right out shared access including all related features at the site access onto NE 63rd Street. This right in/right out access location shall include and maintain all required frontage appurtenances (i.e. all existing and proposed bike lanes, striping, pedestrian facilities, etc.). The improvements shall be completed

- prior to occupancy, unless modified by the Director of Public Works. (See Transportation Concurrency Finding 2)
- **F-3** Transportation (Concurrency): The applicant shall ensure the construction of signal/intersection upgrades, modifications and related features, including all civil improvements, in accordance with the approved plans at the intersection of NE 63rd Street/NE 66th Avenue. The improvements shall be completed prior to occupancy, unless modified by the Director of Public Works. (See Transportation Concurrency Finding 2)
- **F-4 Utilities:** Prior to occupancy, the applicant shall provide documentation that water and sanitary sewer service connections to the building have been approved by the City of Vancouver. (See Utilities Finding 1)
- G Development Review Timelines & Advisory Information Review & Approval Authority: None Advisory to Applicant
- **G-1 Signs**: Pursuant to CCC 40.310, a separate sign permit will be required prior to installation of any commercial signs on the development. (See Land Use Finding 9)
- G-2 Site Plans and Other Land Use Approvals Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- G-3 Department of Ecology Permit for Construction Stormwater A permit from the Department of Ecology (DOE) is required If:
 - The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; <u>AND</u>
 - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. The applicant shall contact the DOE for further information.

G-4 Building and Fire Safety: Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

G-5 Building Elevation Approvals: Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

H Post Development Requirements Review & Approval Authority: As specified below

H-1 Outdoor Lighting: Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180. (See Land Use Finding 3)

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on <u>March 25, 2010</u>. Therefore any appeal must be received in this office by 12:00 p.m. (noon) on <u>April 8, 2010</u>.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - o The evidence relied on to prove the error; and,
- The appeal fee of \$5,240 (Planning = \$4,826 + Engineering = \$414).

An appeal of any aspect of the Hearing Examiner's decision, <u>except</u> the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners.

Attachments:

Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810

Phone: (360) 397-2375; Fax: (360) 397-2011

A copy of the Clark County Code is also available on our Web Page at: http://www.clark.wa.gov

